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SEP 17 2007

OFFICE OF PETITIONS

In re Application of :
Itakura, et al. : DECISION ON PETITION
Application No. 10/796,826 :
Filed: March 9, 2004 :
Atty. Dkt. No.: JCLA21100 :
:

This decision is in response to the renewed petition under 37 CFR 1.137(b), filed June 28, 2007.

The petition is **GRANTED**.

This application became abandoned October 18, 2006 for failure to timely submit a proper reply to the non-final Office action mailed July 17, 2006. The non-final Office action set a three month shortened statutory period of time for reply. Notice of Abandonment was mailed February 5, 2007.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center 3600 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.


Alesia M. Brown
Petitions Attorney
Office of Petitions